

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28171 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- JANTA BAZAR District- Saran

1. PRABHU SAH S/o Late Prahalad Sah @ Pahlad Sah
2. Umesh Sah S/o Prabhu Sah
3. Sangeeta Devi W/o Umesh Sah
4. Pintu Kumar S/o Rambhu Sah

All R/o village- Kateya, P.S.- Janta Bazar, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh
For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 13-08-2019 The petitioners apprehend their arrest in connection with Janta Bazar P.S.Case No. 40 of 2019 registered under Sections 272 and 273/34 of the Indian Penal Code and 30(a), 38 and 41 of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioners, as per FIR lodged by the SHO of Janta Bazar is that the police got information that from the house of Prabhu Sah illegal trade of liquor was being done, he along with police party proceeded towards the house of Prabhu Sah (petitioner no. 1) and raided the same in presence of independent witness and recovered a total quantity of 105



litres of illicit liquor from the room of Prabhu Sah. The police arrested one person from the house namely Mukesh Sah, who disclosed the names of the petitioners.

Learned counsel for the petitioners submits that from perusal of FIR, it appears that house belongs to petitioner no. 1 from where illicit liquor has been recovered. Learned counsel further submits that petitioner nos. 2, 3 and 4 are son, wife and grandson of petitioner no. 1 and petitioners have got no criminal antecedents and entire family members have been implicated in this case only because they are living along with Prabhu Sah (petitioner no. 1) in the same house.

After having heard learned counsel for the parties and taking into consideration the fact that liquor has been recovered from the house of Prabhu Sah, petitioner no. 1, I am not inclined to grant anticipatory bail to him and the same is rejected.

However, petitioner nos. 2 to 4 are family members of petitioner no. 1, having no criminal antecedents and are residing along with other family members in the same house, as such I am inclined to grant anticipatory bail to these petitioners. Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon



furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned ADJ-IX, Saran at Chapra in connection with Janta Bazar P.S.Case No. 40 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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